

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Amy Ann Thomas,)	No. CV 15-156-TUC-RCC (LAB)
Plaintiff,)	REPORT AND RECOMMENDATION
vs.)	
Carolyn W. Colvin, Acting Commissioner)	
of Social Security,)	
Defendant.)	

Pending before the court is the plaintiff's application to proceed in forma pauperis filed on April 15, 2015. (Doc. 2)

The plaintiff, Amy Ann Thomas, filed this action for review of the final decision of the Commissioner for Social Security pursuant to 42 U.S.C. § 405(g). (Doc. 1) She argues the Commissioner's finding that she is not disabled is not supported by substantial evidence. *Id.*

Pursuant to the Rules of Practice of this court, this matter was referred to Magistrate Judge Bowman for report and recommendation. LRCiv 72.2(a).

Discussion

Pursuant to 28 U.S.C. § 1915(a)(1), this court may permit an action to go forward without prepayment of fees and costs if the plaintiff submits an affidavit attesting that she is unable to pay such costs.

1 In this case, Thomas filed an affidavit in which she reports that her spouse has an
2 income of \$5,000 per month or \$60,000 per year. (Doc. 2, p. 2) She estimates her home has
3 a value of \$125,000 and her two motor vehicles have a combined value of \$33,000. (Doc.
4 2, p. 4) Her spouse has a personal savings account with a value of \$1,500. (Doc. 2, p. 3)
5 She and her spouse have two dependents. *Id.*

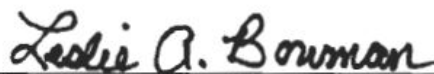
6 Thomas further estimates the family's monthly living expenses at \$6,489.50 or
7 approximately \$1,500 in excess of her spouse's income. (Doc. 2, p. 6) Nevertheless, on this
8 record, the court cannot conclude that Thomas is indigent and unable to pay the court's filing
9 fee of \$400.00. *See, e.g., Sears, Roebuck and Co. v. Charles W. Sears Real Estate, Inc.*, 865
10 F.2d 22, 23 (2nd Cir. 1988) (Defendant with "net income at approximately \$20,000" was not
11 indigent and "not entitled to proceed in forma pauperis."); *Brewster v. North Am. Van Lines,*
12 *Inc.*; 461 F.2d 649, 651 (7th Cir. 1972) (Plaintiff with salary of approximately \$16,500 per
13 year could not proceed in forma pauperis.). Accordingly,

14
15 RECOMMENDATION

16 The Magistrate Judge recommends that the District Court, after its independent review
17 of the record, enter an order DENYING the plaintiff's application to proceed in forma
18 pauperis filed on April 15, 2015. (Doc. 2)

19 Pursuant to 28 U.S.C. §636 (b), any party may serve and file written objections within
20 14 days of being served with a copy of this report and recommendation. If objections are not
21 timely filed, they may be deemed waived. The Local Rules permit a response to an
22 objection. They do not permit a reply to a response.

23 DATED this 1st day of May, 2015.

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26 Leslie A. Bowman
27 United States Magistrate Judge
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